IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10594 of 2000

with

SPECIAL CIVIL APPLICATION No 297 of 2001

to

SPECIAL CIVIL APPLICATION No 309 of 2001

with

SPECIAL CIVIL APPLICATION No 312 ot 2001

to

SPECIAL CIVIL APPLICATION No 333 of 2001

with

SPECIAL CIVIL APPLICATION No 875 of 2001

to

SPECIAL CIVIL APPLICATION No 883 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question : NO

of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

TAPUBHAI KALABHAI THRO' ATTORNEY HANUBHAI JIVABHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10594 of 2000
   MR PM BHATT for Petitioner No. 1
   MR SP SEN AGP for Respondent No. 1
   NOTICE SERVED BY DS for Respondent No. 2
2. Special Civil Application No. 297 of 2001
   MR PM BHATT for Petitioner No. 1
   ..... for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE N.G.NANDI

Date of decision: 07/01/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

All these matters are disposed of by this common order as common question is involved in all these petitions. Reply affidavit is filed in main writ petition i.e. Special Civil Application No.10594 of 2000 by the respondents.

All these petitions are filed against the orders passed by the Collector under Section 18 of the Land Acquisition Act, 1984 (hereinafter referred to as "the Act") whereby the Collector refused to make reference on the trivial grounds like signatures of the petitioners are not tallying etc.

Along with this main writ petition No.10594 of 2000, judgment of the Division Bench of this court (Coram : C.K.Thakkar & R.P.Dholakia, J.J.) dated 28.1.1998 is enclosed. In reply affidavit the said judgment is tried to be distinquished by the respondents on the ground that in that case defence was led wherein this case evidence was not led. On such ground the judgment of this court cannot be distinquished. One more contention was raised

in the reply affidavit that revision is maintainable against the impugned order, therefore, this court should not entertain all these petitions and relegate the petitioners to avail alternative remedy of revision. It is true that the order is revisable. In ordinary circumstances, if the matter had come before us straightway for admission then perhaps we would not have entertained these petitions. But having entertained the petitions at the admission stage and fixed it for final hearing, we do not want to throw out all these petitions on such technical grounds because in our considered opinion it would be nothing but a multiplicity of litigation.

In a group of writ petitions i.e. Special Civil Application No.7919 of 1997 and allied matters, the grievance made by the claimants was that after the award was passed by Land Acquisition Officer under the provisions of the Act it was wrongly rejected by the Land Acquisition Officer on extraneous and irrelevant grounds like signatures not tallying etc. We have carefully gone through the said judgment which is annexed at Annexure-D to the main writ petition No.10594 of 2000 and we are fully convinced that all these cases are squarely covered by the said judgment.

In view of the above, all these petitions are allowed in terms of the common judgment and order dated 28.1.1998 passed by the Division Bench of this court in Special Civil Application No.7919 of 1997 and allied matters. Rule is accordingly made partly absolute in terms of the aforesaid judgment. On facts and circumstances of the case, there shall be no order as to costs in all these petitions. The Land Acquisition Officer shall dispose of all these matters as expeditiously as possibly preferably within three months from the date of receipt of this judgment.

(B.J.Shethna, J.)

(N.G.Nandi, J.)

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